

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:79-cv-05077-LAP**

Milburn v. Dogin et al
Assigned to: Judge Loretta A. Preska
Referred to: Magistrate Judge Gabriel W. Gorenstein
(Settlement)

Date Filed: 09/25/1979
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Related Cases: [1:11-cv-05311-LAP](#)
[1:13-cv-04817-LAP](#)
[1:13-cv-08776-LAP](#)

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Louis Milburn

represented by **David Scott Hoffner**
Hoffner PLLC
800 Third Avenue, 13th Floor
New York, NY 10022
(212) 471-6203
Fax: (212) 935-5012
Email: hoffner@hoffnerpllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dori A. Lewis
The Legal Aid Society, Civil Division
199 Water Street
New York, NY 10038
(212) 57-7-3530
Fax: (212) 509-8433
Email: dlewis@legal-aid.org
LEAD ATTORNEY

Yelena Shreyberg
Dechert, LLP (NYC)
1095 Avenue of the Americas
New York, NY 10036-6797
(212)-698-3500
Fax: (212)-698-0494
Email: yelena.shreyberg@dechert.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caroline Sandra Hsu
The Legal Aid Society
199 Water Street
New York, NY 10038
(212)-577-3450
Email: cshsu@legal-aid.org
ATTORNEY TO BE NOTICED

Jamie Lynne Halavais
Lewis Roca Rothgerber Christie LLP
201 E. Washington St. Ste 1200
Phoenix, AZ 85004
602-262-5311
Email: jhalavais@lrrc.com
ATTORNEY TO BE NOTICED

Movant

John Vera Moreno
TERMINATED: 11/18/2011

represented by **Susan Joan Kohlmann**
Jenner &Block LLP
919 Third Avenue
37th Floor
New York, NY 10022
(212) 891-1690
Fax: (212) 891-1699
Email: skohlmann@jenner.com
LEAD ATTORNEY

Danielle Feldman Tarantolo
New York Legal Assistance Group
450 W. 33rd St. 11th Fl.
New York, NY 10001
(212)-613-5000
Fax: (212)-714-7589
Email: dtarantolo@nylag.org
ATTORNEY TO BE NOTICED

Elizabeth Austin Edmondson
Jenner &Block LLP (NYC)
919 Third Avenue, 37th Floor
New York, NY 10022
(212)-891-1606
Fax: (212)-909-0865
Email: eedmondson@jenner.com

Movant

Peter Awekwe

Movant

Kenneth Meyers

represented by **Kenneth Meyers**
Din# 97A7468
Greenhaven Correctional Facility
PO Box 4000
Stormville, NY 12582-0010
PRO SE

Movant

James M. West

represented by **James M. West**
89-A-6906
Five Points Correctional Facility
State Route 96
P.O. Box 119
Romulus, NY 14541
PRO SE

V.

Defendant

Henry S. Dogin
Administrator Law Enforcement
Assistance Admin, U.S. Dept. of Justice

represented by **Julinda A. Dawkins**
New York State Office of the Attorney
General (NYC)
120 Broadway 12th Floor
New York, NY 10271
(212) 416-8118
Email: Julinda.Dawkins@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Hull Odessky
New York State Department of Law
Litigation
120 Broadway, 24th Floor
New York, NY 10271
(212) 416-8572
Fax: (212) 416-6009
Email: sodessky@sokoloffstern.com
LEAD ATTORNEY

Defendant

Patricia Harris
Secretary of HEW

represented by **Henry Dogin**
United States Attorney S.D.N.Y.
1 St. Andrews Plaza
New York, NY 10007
(212) 791-1961
LEAD ATTORNEY

Julinda A. Dawkins
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Hull Odessky
(See above for address)
LEAD ATTORNEY

Defendant

David R Harris
*Superintendent, Greenhaven Corr.
Facility*

represented by **Julinda A. Dawkins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Hull Odessky
(See above for address)
LEAD ATTORNEY

Daniel A. Schulze
Attorney General of the State of New York
120 Broadway
New York, NY 10271
(212)-416-6557
Fax: (212)-416-6009
Email: daniel.schulze@ag.ny.gov
ATTORNEY TO BE NOTICED

Defendant

Thomas A. Coughlin, III

represented by **Julinda A. Dawkins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Hull Odessky
(See above for address)
LEAD ATTORNEY

Daniel A. Schulze
(See above for address)
ATTORNEY TO BE NOTICED

Interested Party

Lawrence Gordon

Date Filed	#	Docket Text
09/25/1979	<u>1</u>	SCANNED PAPER DOCKET REPORT containing docket entries entered on the Paper Docket for period of 9-25-79 to 10-18-04. The Last Document No. used on the Paper Docket is 278. (lb) Modified on 2/27/2007 . (Entered: 02/27/2007)
09/25/1979	1	Filed COMPLAINT ---issued summons.Document filed by Louis Milburn.(lb) Modified on 2/27/2007 (lb). (Entered: 02/27/2007)
09/25/1979	2	ORDER granting plaintiff to proceed in forma pauperis. (lb) (Entered: 02/27/2007)
12/14/1979	9	ANSWER to Complaint. Document filed by Henry S. Dogin, Patricia Harris.(rag,) Modified on 2/27/2007 (lb). (Entered: 11/22/2004)
04/25/1980	17	AMENDED COMPLAINT amending Complaint. Document filed by Louis Milburn. Related document: Complaint filed by Louis Milburn.(lb) (Entered: 02/27/2007)
12/16/1980	33	Fld ORDER...Ordered...That this action be maintained as a class action purs. to 23(a) &(b)(2)...etc...Ward, Jr. mn (rag,) Modified on 2/27/2007 (lb). (Entered: 11/22/2004)
04/13/1982		Minute Entry for proceedings held before Judge Robert J. Ward : Initial Pretrial Conference held on 4/13/1982. (rag,) (Entered: 11/22/2004)
08/20/1982	96	Fld. FINAL JUDGMENT BY CONSENT...Ordered that the plaintiff class shall be notified of the entry of this Final Judgment by Consent as provided for in the attached notice. The Superintendant shall cause a copy of the notice to be given by hand to each inmate at Green Haven and shall cause a copy to be premently posted in each big area of Green Haven. mn (rag,) (Entered: 11/22/2004)
09/30/1991	251	Fld. ORDER...Re: Modified Final Judgment by Consent...Ordered that this 9/27/91 Modified Final Judgment shall supersede with a single document the 1982 Final Judgment. (rag,) Modified on 2/27/2007 (lb). (Entered: 11/22/2004)
01/13/2004	279	NOTICE OF CASE Reassignment to Judge Richard C. Casey. Judge Robert J. Ward no longer assigned to the case. Notice mailed to Attorneys of Record (entered 1/14/04 pr) (rag,) Modified on 2/27/2007 (lb). (Entered: 11/22/2004)
01/13/2004		Fld. Mandate From The U.S.C.A. ORDERED ADJUDGED AND DECREED That the district court's order be AFFIRMED IN PART AND VACATED IN PART AND REMANDED. ISSUED AS MANDATE 1/7/04, 02-(L), 020096 (XAP). Mackechnie, Clerk USCA (rag,) (Entered: 11/22/2004)
06/08/2004		Minute Entry for proceedings held before Judge Robert L. Carter : Initial Pretrial Conference held on 6/8/2004. Parties to brief issue of damages, briefing schedule set by court. Defts. brief by 8/18; opposition by 9/19, reply by 9/26 surreply due 10/3. Defts. to either find medical report at 5 Points Correctional Facility in 2 weeks 6/18 of to get another one completed in 2 more weeks 7/2. (rag,) (Entered: 11/22/2004)
09/17/2004		Application of James West – Motion for an order limiting the compensatory damages awarded to plttf. to the amount originally awarded by the Court, Ret on 10/23/04.(rag,) (Entered: 11/22/2004)
09/17/2004		MEMORANDUM OF LAW in Support re: Application of James West – Motion for an order limiting the compensatory damages awarded to plttf. to the amount originally awarded by the Court, Ret on 10/23/04 (rag,) (Entered: 11/22/2004)
09/21/2004		ENDORSED LETTER...Extend time of plttf's time to respond to motion of Attorney General NYS until 10/16/04 and reply due 10/23/04. APPLICATION GRANTED SO ORDERED 9/20/04 (Signed by Judge Richard C. Casey on 9/20/04) (rag,) (Entered: 11/22/2004)
10/18/2004		MEMORANDUM OF LAW in Opposition re: MOTION Document filed by Louis Milburn. (rag,) (Entered: 11/22/2004)

01/20/2005		ENDORSED LETTER addressed to Judge Casey from Susan H. Odessky dated 01/19/05 re: granting counsel's request for an extension of time to respond to the referenced application made under the Consent Decree in Milburn v. Coughlin until January 24, 2005. (Signed by Judge Richard C. Casey on 1/19/05) (djc,) (Entered: 01/26/2005)
01/20/2005		Set Answer Due Date purs. to Endorsed Letter, as to Henry S. Dogin answer due on 1/24/2005; Patricia Harris answer due on 1/24/2005; David R Harris answer due on 1/24/2005; Thomas A. Coughlin, III answer due on 1/24/2005. (djc,) (Entered: 01/26/2005)
01/26/2005	280	ENDORSED LETTER addressed to Judge Richard C. Casey from Susan H. Odessdy dated 1/25/05 re: Application GRANTED. Extension to 1/28/05 for defendant to respond to plaintiff's action. There will be no additional extensions beyond 1/28/05. (Signed by Judge Richard C. Casey on 1/25/05) (db,) Modified on 2/27/2007 (lb). (Entered: 02/01/2005)
01/26/2005		Set Answer Due Date purs. to 253 Endorsed Letter, as to Henry S. Dogin answer due on 1/28/2005; Patricia Harris answer due on 1/28/2005; David R Harris answer due on 1/28/2005; Thomas A. Coughlin, III answer due on 1/28/2005. (db,) (Entered: 02/01/2005)
02/03/2005	281	MOTION (FILED ON SERVICE DATE) to Dismiss plaintiff's complaint. Document filed by Henry S. Dogin, Patricia Harris, David R Harris, Thomas A. Coughlin, III. (tp,) Modified on 2/27/2007 (lb). (Entered: 02/08/2005)
02/03/2005	282	MEMORANDUM OF LAW in Support re: 254 MOTION (FILED ON SERVICE DATE) to Dismiss. Document filed by Henry S. Dogin, Patricia Harris, David R Harris, Thomas A. Coughlin, III. (tp,) Modified on 2/27/2007 (lb). (Entered: 02/08/2005)
02/17/2005	283	ENDORSED LETTER addressed to Judge Casey from William Pabon dated 2/10/2005 re: Reset Deadlines/Hearing as to 254 MOTION (FILED ON SERVICE DATE) to Dismiss: Responses due by 3/10/2005 Replies due by 3/17/2005. (Signed by Judge Richard C. Casey on 2/16/2005) (jp,) Modified on 2/27/2007 (lb). (Entered: 02/22/2005)
03/16/2005	284	ENDORSED LETTER addressed to Judge Richard C. Casey from Susan H. Odessky dated 3/15/05 re: counsel for defendants request an extension until 3/23/05 in order to reply to plaintiff's responsive papers. No previous request for an extension of time in this action has been made. Application granted. (Signed by Judge Richard C. Casey on 3/15/05) (sac,) Modified on 2/27/2007 (lb). (Entered: 03/18/2005)
07/18/2005	285	ENDORSED LETTER addressed to Judge Scheindlin from William J. Rold dated 6/27/2005 re: granting counsels request that the doctors involved in carrying out the treatment of the plttf are directed to arrive at a treatment plan on or before 7/18/2005. (Signed by Judge Shira A. Scheindlin on 7/1/2005) (jp,) Modified on 2/27/2007 (lb). (Entered: 07/21/2005)
07/21/2005	286	ENDORSED LETTER addressed to Judge Scheindlin from William J. Rold dated 7/14/2005 re: The plaintiff's request is granted. The doctors involved in the plaintiff's medical care shall deveop a treatment plan by August 1, 2005. (Signed by Judge Shira A. Scheindlin on 7/18/2005) (jsa,) Modified on 2/27/2007 (lb). (Entered: 07/22/2005)
01/27/2006	287	STIPULATION AND ORDER that the parties have agreed to the terms and conditions regarding extension of the medical auditor's term as further set forth in this stipulation. (Signed by Judge Richard C. Casey on 1/26/06) (dle,) Modified on 2/27/2007 (lb). (Entered: 01/27/2006)
05/17/2007	289	ORDER This case was assigned to Judge Richard Conway Casey, who passed away on 3/22/07. The case will be reassigned to a new judge in the near future. You will be notified of the reassignment on ECF (for ECF cases) or in a form to be mailed to you (for non-ECF cases). The parties in this case are ordered to review the attorney/party information on the docket sheet and determine whether the information presently listed is incorrect. If an error exists, the affected party must submit updated contact information no later than 5/30/07. Parties should take care

		to remove the contact information for attorneys no longer involved in the case and to enter appearances for any current attorneys who are not listed. The parties are also ordered to submit a joint summary of the case no later 5/30/07. The Summary should be sent to Judge Caseys Chambers Attn: Law Clerks and will be provided to the new judge upon reassignment of the case. The Summary should be a bare statement of the case with any relevant procedural history. This includes, but is not limited to, the subject matter of the litigation, whether discovery is complete, whether the case is or has been before a magistrate judge, whether there are any motions or applications pending, and the subject matter of the pending motions or applications, if any. Be sure to indicate whether the parties have entered into a case management plan and list the relevant dates. The Summary is not a vehicle for arguing the merits of disputed issues and should be brief. If the defendant in this case has not yet appeared, the plaintiff should indicate this fact and need not make a joint submission. Parties in cases involving an incarcerated pro se litigant need not make a joint submission. Should matters arise prior to the reassignment, parties are directed to review the previously issued Notice to Parties with Pending Civil Cases Before Judge Casey, available at www.nysd.uscourts.gov and follow the directions therein. (Signed by Judge Kimba M. Wood on 05/16/2007) (mj) (Entered: 05/24/2007)
05/21/2007	288	NOTICE OF CASE REASSIGNMENT to Judge Loretta A. Preska. Judge Richard C. Casey is no longer assigned to the case. (laq) (Entered: 05/23/2007)
05/23/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 05/23/2007)
05/29/2007		Received returned mail re: 289 Order. Mail was addressed to Louis Milburn of Green Haven Correctional Facility at Drawer B, Stormville, NY 12582 and was returned for the following reason(s): released. (tve) (Entered: 06/05/2007)
09/24/2007	290	MEMORANDUM AND ORDER: for reasons further set fort in said Order, defendants' 281 Motion to Dismiss William Pabon's complaint for contempt is GRANTED. (Signed by Judge Loretta A. Preska on 9/20/07) Copies Mailed by Chambers. (db) (Entered: 09/25/2007)
09/24/2007		Transmission to Judgments and Orders Clerk. Transmitted re: 290 Order on Motion to Dismiss to the Judgments and Orders Clerk. (db) (Entered: 09/25/2007)
09/24/2007	291	APPLICATION OF JAMES WEST: In light of the conflicting hearing testimony as to the existence and extent of any injury to Mr. West resulting from a denial of physical therapy to his lower extremities, the motion to set the amount of compensatory damages, filed on 9/17/04, is denied. Counsel shall confer and inform the Court by letter how they propose to proceed. (Signed by Judge Loretta A. Preska on 9/20/07) (dle) Copies mailed by chambers. Modified on 9/25/2007 (Lewis, Diahann). (Entered: 09/25/2007)
09/25/2007	292	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated September 20, 2007, defendants motion to dismiss William Pabons complaint for contempt is granted. (Signed by J. Michael McMahon, clerk on 9/25/07) (ml) (Entered: 09/25/2007)
10/05/2007	293	Plaintiff James West's Notice of Motion and Motion for Reconsideration of September 20, 2007 Order denying motion for compensatory damages. (dj) (Entered: 10/09/2007)
10/05/2007	294	MEMORANDUM OF LAW in Support James West's 293 MOTION for Reconsideration. (dj) (Entered: 10/09/2007)
10/05/2007	295	DECLARATION of Gregory M. Starner in Support re: 293 MOTION for Reconsideration. (dj) (Entered: 10/09/2007)
10/15/2007		Received returned mail re: 292 Clerk's Judgment. Mail was addressed to Louis Milburn of Green Haven Correctional Facility at Drawer B, Stormville, NY 12582 and was returned for the following reason(s): unable to identify. (tve) (Entered: 11/19/2007)
09/05/2008	299	MOTION for an order against defendants for contempt of this Court upon the grounds set forth in the Affidavit of John Vera Moreno. Document filed by John Vera Moreno.(dle) (Entered: 10/09/2008)

09/23/2008	<u>296</u>	ORDER that in an order dated September 20, 2007, the Court stated in light of the conflicting testimony as to the existence and extent of any injury to Mr. West resulting from a denial of physical therapy to his lower extremities, the motion to set the amount of compensatory damages, filed on September 17, 2004, is denied. Thereafter, plaintiffs counsel moved to reconsider that order, apparently believing that the Court's denial of the motion to set the amount of compensatory damages meant that the Court was setting the amount of damages at zero. To the contrary, it was and remains the Court's view that the amount of damages presents a factual question that can only be resolved by a hearing. Accordingly, the motion to reconsider (dkt. no. 293) is denied. Counsel shall confer as to how they propose to proceed with respect to a hearing on the amount of damages, if any, to be awarded to plaintiff as a result of the denial of physical therapy to his lower extremities and shall report to the Court by letter no later than October 7, 2008. (Signed by Judge Loretta A. Preska on 9/23/08) Copies Mailed By Chambers. (pl) (Entered: 09/23/2008)
09/23/2008		Set/Reset Scheduling Order Deadlines: Status Report due by 10/7/2008. (pl) (Entered: 09/23/2008)
10/08/2008	<u>297</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 10/7/2008 re: Counsel writes on behalf of all parties to request that the Court afford the parties until 10/21/2008 to continue their discussions regarding the possible resolution of this matter. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 10/7/2008) (tve) (Entered: 10/08/2008)
10/08/2008	<u>298</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Brendan Collins dated 10/7/2008 re: Counsel writes requesting to move for summary judgment in the above-captioned matter. ENDORSEMENT: Defendant is directed to respond by 10-14-2008 to the request of plaintiff set forth above. (Signed by Judge Victor Marrero on 10/8/2008) (tve) (Entered: 10/08/2008)
10/22/2008	<u>300</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 10/20/08 re: Counsel requests that they be given until November 14, 2008 to file and serve any opposition papers and that plaintiff be given until December 5, 2008, to reply. ENDORSEMENT: So ordered. (Signed by Judge Loretta A. Preska on 10/21/08) (mme) (Entered: 10/22/2008)
10/22/2008	<u>301</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starner dated 10/21/08 re: Counsel requests that this court schedule a conference at which date parameters for the evidentiary hearing can be discussed. ENDORSEMENT: Counsel shall appear at a conference on November 19, 2008 at 9:00 a.m., (Status Conference set for 11/19/2008 at 09:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 10/22/08) (mme) (Entered: 10/22/2008)
11/17/2008	<u>302</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 11/13/2008 re: Counsel respectfully request an additional extension of time to respond to plaintiff's motion for contempt until November 25, 2008 to file and serve defendant's opposition. Accordingly, counsel ask that plaintiff be given until December 16, 2008 to reply. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 11/13/2008) Copies Faxed By Chambers. (jfe) (Entered: 11/17/2008)
11/26/2008	<u>303</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 11/24/08 re: Counsel for Defendant request that Defendants time to respond to plaintiff's motion be extended to 12/5/08 and plaintiff be given until 1/9/09. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 11/25/08) (tro) Copies Faxed By Chambers. (Entered: 11/26/2008)
11/26/2008	<u>304</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 11/21/08 re: The parties propose that they submit the pre-hearing submissions required by Your Honor's individual rules for a bench trial, except for a trial memorandum of law, by 12/19/08. The parties propose that they submit the trial memorandum two week prior to the date the Court chooses for the hearing. ENDORSEMENT: The hearing shall be on February 17 and 18, 2009 at 10:00 a.m. SO ORDERED. (Signed by Judge Loretta A. Preska on 11/25/08) (tro) Copies Faxed By Chambers. (Entered: 11/26/2008)

12/05/2008	<u>305</u>	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Susan H. Odessky dated 12/4/08 re: Counsel for defendants request that defendants be given until December 12, 2008 to submit their response to plaintiff's motion and that plaintiff be given until January 9, 2009 to reply. ENDORSEMENT: So Ordered. (Replies due by 1/9/2009., Responses due by 12/12/2008) (Signed by Judge Loretta A. Preska on 12/5/08) (js) (Entered: 12/08/2008)
12/16/2008	<u>306</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 12/12/08 re: Counsel requests that defendants be given until Wednesday, December 17, 2008 to submit their response to plaintiffs motion and that plaintiff be given until January 16, 2009 to reply. ENDORSEMENT: So ordered. (Signed by Judge Loretta A. Preska on 12/15/08) (mme) (Entered: 12/16/2008)
12/18/2008	<u>307</u>	ENDORSED LETTER addressed to Judge Laura T. Swain from Susuan H. Odesky dated 12/17/2008 re: Counsel writes requesting that defendants be permitted to submit their opposition by 1/2/2009 and that plaintiff have until 1/30/2009 to submit a reply. ENDORSEMENT: SO ORDERED. (Replies due by 1/30/2009. Responses due by 1/2/2009) (Signed by Judge Loretta A. Preska on 12/17/2008) Copies Faxed By Chambers. (tve) Modified on 1/15/2009 (tve). (Entered: 12/18/2008)
12/23/2008	<u>308</u>	PRETRIAL ORDER: The parties propose that on February 2, 2009, which is 15 days prior to the hearing scheduled for February 17–18, they submit an amended and final joint list of witnesses, deposition designations, and exhibits to be used at the hearing. Pursuant to this Court's Order dated November 25, 2008, and Your Honor's instructions during the conference on November 19, 2008, the parties also propose to submit any motions in limine and pretrial memoranda, as necessary, on February 2, 2009. Fact discovery should be completed soon, but it is difficult for the parties now to identify a firm date for its completion. Accordingly, the parties propose that they be permitted to request an adjournment of these dates as necessary as more information becomes available, or request that the Court schedule a stats conference to discuss the same. This matter is to be tried by the Court without a jury. The parties expect that the trial will be no more than two days long. The parties have not agreed that this matter should be tried by a Magistrate Judge. (Signed by Judge Loretta A. Preska on 12/23/2008) Copies Faxed By Chambers.(jfe) (Entered: 12/23/2008)
01/07/2009	<u>309</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 1/5/2009 re: Counsel respectfully request that defendants time to respond to the motion be extended for one week until January 12, 2009. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 1/6/2009) Copies Faxed By Chambers.(jfe) (Entered: 01/07/2009)
01/07/2009		Set/Reset Deadlines: Responses due by 1/12/2009 (jfe) (Entered: 01/16/2009)
01/15/2009	<u>310</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 1/12/09 re: Request to finalize opposition to motion by 1/20/09. ENDORSEMENT: SO ORDERED. Set Deadlines/Hearing as to 299 MOTION: (Responses due by 1/20/2009) (Signed by Judge Loretta A. Preska on 1/14/09) Copies Mailed by Chambers.(db) Modified on 1/26/2009 (db). (Entered: 01/15/2009)
01/20/2009	<u>311</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starnar dated 1/15/09 re: Counsel requests an adjournment of the hearing to March 30–31. Furthermore, the parties propose setting the date of March 16 by which to submit any fully briefed motions in limine and the parties' pretrial memoranda as contemplated by this Courts order dated November 25, 2008 and the Judges instructions during the conference on November 19, 2009. ENDORSEMENT: So ordered. (Signed by Judge Loretta A. Preska on 1/16/09) (mme) (Entered: 01/20/2009)
02/27/2009	<u>312</u>	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Gregory M. Starnar dated 2/24/09 re: The parties are requesting a brief adjournment of the hearing currently scheduled for March 30–31 to June 8–9. To the extent the Court grants the proposed adjournment, the parties propose the following schedule for completing expert discovery and proceeding to the damages hearing initial reports

		will be exchanged by April 14, with any rebuttal expert reports exchanges by May 1 and any expert depositions completed by May 15. Pretrial memoranda and any fully briefed motions in limine would be submitted to the Court by may 25, 2009. ENDORSEMENT: So Ordered. (Deposition due by 5/15/2009. Motions due by 5/25/2009.) (Signed by Judge Loretta A. Preska on 2/26/09) Copies Faxed By Chambers (js) (Entered: 02/27/2009)
03/24/2009	<u>313</u>	ORDER: Following John Vera Moreno's motion for a contempt order for a violation of the consent decree [dkt. no. 299] in the above entitled action, defendant has requested numerous extensions of the time within which to answer. All such extensions have now elapsed, and no response has been filed. If a response is not filed by March 31, 2009, Mr. Moreno's application for a contempt order will be considered sub judice. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/23/2009) Copies Mailed By Chambers.(tve) (Entered: 03/24/2009)
03/31/2009	314	MEMORANDUM OF LAW in Opposition re: 299 MOTION FOR AN ORDER FOR CONTEMPT. Document filed by Henry S. Dogin, Patricia Harris, David R Harris, Thomas A. Coughlin, III. (pl) Modified on 4/1/2009 (pl). (filed in night deposit on 3/31/09 at 8:54pm). (Entered: 04/01/2009)
03/31/2009	315	DECLARATION of Susan H. Odessky in Opposition re: 299 MOTION for Contempt. Document filed by Henry S. Dogin, Patricia Harris, David R Harris, Thomas A. Coughlin, III. (filed in night deposit on 3/31/09 at 8:54pm). (pl) (Entered: 04/01/2009)
04/06/2009	<u>316</u>	SCHEDULING ORDER: Mr. John Vera Moreno may file a reply to Defendants' Memorandum of Law in Opposition no later than 4/24/09. (Signed by Judge Loretta A. Preska on 4/6/09) (tro) Copies Mailed By Chambers. (Entered: 04/06/2009)
05/04/2009	<u>317</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from John Vera Moreno dated 4/27/2009 re: requesting an extension of time until four weeks after such access is granted by this Court, in order for plaintiff to be able to respond to Ms. Odessky responses dated 3/31 and 4/2/2009. ENDORSEMENT: Mr. Moreno's time to respond to Defendants' papers is extended to 6/4. Mr. Moreno shall have normal access to the law library in light of the date for his response. (Signed by Judge Loretta A. Preska on 5/4/2009) Copies Mailed to Plaintiff By Chambers.(jar) (Entered: 05/04/2009)
05/04/2009		Set Deadlines/Hearings: Replies due by 6/4/2009. (jar) (Entered: 05/04/2009)
06/05/2009	<u>318</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan Odessky dated 5/2/09 re: The parties request that the Court adjourn the hearing until a date in 9/09. ENDORSEMENT: The hearing is adjourned to 11/2/09 at 10:00 am. (Evidentiary Hearing reset for 11/2/2009 at 10:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 6/2/09) (cd) (Entered: 06/05/2009)
07/08/2009	<u>319</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from John Vera Moreno dated 6/26/2009 re: Plaintiff writes requesting an additional extension of time to respond to defendants' motion for Contempt and to Amend Complaint and Relief requested. ENDORSEMENT: Plaintiff's time to respond to the State's papers is extended to 7/31/2009. So ordered. (Signed by Judge Loretta A. Preska on 7/8/2009) Copies Mailed By Chambers. (tve) Modified on 7/9/2009 (tve). (Entered: 07/08/2009)
07/09/2009	<u>320</u>	ORDER: While the Court reserves decision on Plaintiff's contempt motion until Plaintiff files his reply papers, Plaintiff's request for appointment of counsel is accordingly denied. (Signed by Judge Loretta A. Preska on 7/9/2009) Copies Mailed By Chambers.(jfe) (Entered: 07/09/2009)
09/17/2009	<u>321</u>	ORDER denying 299 Motion. Plaintiff's motion for contempt [dkt. no. 299] is DENIED as premature pending each party's presenting additional evidence on the issue of whether or not surgery was ever recommended to remove Plaintiff's brain tumor. The parties will present their evidence at an evidentiary hearing to take place on January 12, 2010 at 10:00 a.m. in Courtroom 12A, 500 Pearl Street, New York, New York. Finally, in its July 9, 2009 Order, this Court found that Plaintiff's chances of success are slight. While this Court's opinion of Plaintiff's chances has

		not changed, given the complex nature of an evidentiary hearing, I hereby VACATE the July 9, 2009 Order [dkt. no. 320] and ORDER that counsel be appointed to Plaintiff to assist him in conducting the January 12 hearing. SO ORDERED. (Signed by Judge Loretta A. Preska on 9/17/2009) Copies Mailed By Chambers.(tve) (Entered: 09/17/2009)
09/17/2009		Set/Reset Hearings: Evidentiary Hearing set for 1/12/2010 at 10:00 AM in Courtroom 12A, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska. (tve) (Entered: 09/17/2009)
11/02/2009	<u>322</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory Starner dated 10/29/09 re: counsel for plaintiff and defendants jointly request that the evidentiary hearing be adjourned. ENDORSEMENT: The November 2 hearing is adjourned to 1/26/10 and 1/27/10 at 10:00 a.m. So Ordered. (Signed by Judge Loretta A. Preska on 10/29/09) Copies faxed by chambers. (dle) Modified on 11/6/2009 (dle). (Entered: 11/02/2009)
01/14/2010	<u>323</u>	FILING ERROR – ELECTRONIC FILING IN NON–ECF CASE – NOTICE OF APPEARANCE by Danielle Feldman Tarantolo on behalf of John Vera Moreno (Tarantolo, Danielle) Modified on 1/15/2010 (jar). (Entered: 01/14/2010)
01/14/2010	<u>324</u>	FILING ERROR – ELECTRONIC FILING IN NON–ECF CASE – NOTICE OF APPEARANCE by Elizabeth Austin Edmondson on behalf of John Vera Moreno (Edmondson, Elizabeth) Modified on 1/15/2010 (jar). (Entered: 01/14/2010)
01/14/2010		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF CASE ERROR. Note to Attorney Danielle Tarantolo to MANUALLY RE–FILE Document Notice of Appearance, Document No. 323. This case is not ECF. (jar) (Entered: 01/15/2010)
01/14/2010		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF CASE ERROR. Note to Attorney Elizabeth Edmondson to MANUALLY RE–FILE Document Notice of Appearance, Document No. 324. This case is not ECF. (jar) (Entered: 01/15/2010)
01/15/2010	325	NOTICE OF APPEARANCE by Susan Joan Kohlmann on behalf of John Vera Moreno. (mbe) (Entered: 01/19/2010)
01/15/2010	326	NOTICE OF APPEARANCE by Danielle Feldman Tarantolo on behalf of John Vera Moreno. (mbe) (Entered: 01/19/2010)
01/15/2010	327	NOTICE OF APPEARANCE by Elizabeth Austin Edmondson on behalf of John Vera Moreno. (mbe) (Entered: 01/19/2010)
01/19/2010	<u>328</u>	ENDORSED LETTER addressed to Judge Loretta. Preska from Danielle F. Tarantolo dated 1/12/2010 re: Requesting an adjournment of the evidentiary hearing on plaintiff John Vera Moreno's Motions for Contempt, which waws originally scheduled for January 12, 2010. ENDORSEMENT: The hearing will commence on May 5 at 10:00 am. in Courtroom 12A at 500 Pearl Street. Counsel shall confer and inform the Court promptly of the expected duration of the hearing. Counsel shall confer and file by April 14 pre–trial order existing witnesses they intend to call and items other than plaintiff's medical records that they intend to offer into evidence. A final pre–trial conference shall be held on April 15, 2010 at 9:00 a.m. (Signed by Judge Loretta A. Preska on 1/14/2010) Faxed Copies By Chambers (jpo) Modified on 1/19/2010 (jpo). (Entered: 01/19/2010)
01/22/2010	<u>329</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 1/22/10 re: counsel's joint request that the evidentiary hearing schedule for January 26, 2010 be adjourned in order that the parties may attempt to reach a resolution of this matter. ENDORSEMENT: Counsel shall confer and inform the Court by letter no later than February 15 of the status of the matter. (Signed by Judge Loretta A. Preska on 1/22/10) (djc) (Entered: 01/22/2010)
02/17/2010	<u>330</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 2/16/2010 re: The parties respectfully request that they be given until March 22, 2010 to advise the Court of the Status of this matter. ENDORSEMENT: SO ORDERED. (Status Report due by 3/22/2010.) (Signed by Judge Loretta A. Preska on 2/17/2010) (jmi) (Entered: 02/17/2010)

03/03/2010	<u>331</u>	SCHEDULING ORDER: 5/5/10 evidentiary hearing reset for 5/26/2010 at 10:00 AM in Courtroom 12A, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska. 4/15/10 Final Pretrial Conference reset for 5/11/2010 at 09:00 AM before Judge Loretta A. Preska. (Signed by Judge Loretta A. Preska on 3/3/10) (cd) (Entered: 03/03/2010)
03/25/2010	<u>332</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 3/22/10 re: the parties respectfully request that they be given until April 26, 2010 to advise the Court of the state of this matter. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 3/24/10) Copies Faxed by Chambers.(pl) Modified on 4/2/2010 (pl). (Entered: 03/25/2010)
04/16/2010	<u>333</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from John Vera Moreno dated 4/19/10 re: plaintiff requests an Order granting plaintiff access to the necessary Law Library time. ENDORSEMENT: Ms. Odessky shall inquire and inform the Court promptly by letter why Mr. Moreno's law library time was decreased, as set out above. (Signed by Judge Loretta A. Preska on 4/16/10); Copies mailed by Chambers. (djc) Modified on 4/19/2010 (djc). (Entered: 04/19/2010)
04/29/2010	<u>334</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 4/26/2010 re: The parties request that they be given until 5/27/10 to advise the Court of the status of this action. ENDORSEMENT: SO ORDERED. (Status Report due by 5/27/2010.) (Signed by Judge Loretta A. Preska on 4/28/2010) (tro) (Entered: 04/29/2010)
04/30/2010	<u>335</u>	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 4/29/2010 re: Counsel for movant requests a one month adjournment of the pre-trial conference and hearing date, subject to the court's availability. ENDORSEMENT: the final pre trial conference is adjourned to July 1 at 3:00 p.m. The hearing is adjourned to July 12 at 10:00 a.m. If all documents are not produced by April 30, counsel shall notify the Court by letter immediately. So Ordered. (Signed by Judge Loretta A. Preska on 4/29/2010) Copies Faxed by Chambers.(js) (Entered: 04/30/2010)
05/12/2010	<u>336</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 5/7/2010 re: Counsel writes to inform the Court of how counsel will proceed with regard to the missing documents and to advise of their intentions. ENDORSEMENT: All of the above is SO ORDERED. (Signed by Judge Loretta A. Preska on 5/11/2010) Copies Faxed By Chambers. (tve) Modified on 5/13/2010 (tve). (Entered: 05/12/2010)
06/08/2010	<u>337</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starner dated 6/4/2010 re: The parties request that the Court schedule an evidentiary hearing in the above referenced action. ENDORSEMENT: Counsel shall appear for a hearing on 9/9 at 10:00 am. SO ORDERED. (Signed by Judge Loretta A. Preska on 6/7/2010) Copies Faxed By Chambers. (tve) Modified on 6/8/2010 (tve). (Entered: 06/08/2010)
06/11/2010	<u>338</u>	ORDER: Defendants shall produce all outstanding documents, including the security log detailed in Response No.2, to Plaintiff's counsel no later than June 16, 2010; The deponent from Green Haven shall be produced, at Plaintiff's counsel's convenience within one week after June 17, 2010; The deponent from Sing Sing and the deponent from Coxsackie shall be jointly produced only if Plaintiff's counsel consents. SO ORDERED. (Signed by Judge Loretta A. Preska on 6/11/2010) (tve) (Entered: 06/11/2010)
07/01/2010	<u>339</u>	SCHEDULING ORDER: It is hereby ORDERED that the evidentiary hearing is scheduled to commence in courtroom 12A, United States Courthouse, 500 Pearl Street, New York, New York, on July 12, 2010 at 10:00 A.M. in the above captioned action, is adjourned to August 19, 2010 at 10:00 A.M. The final pretrial conference scheduled for July 1, 2010 at 3:00 P.M. is adjourned to August 3, 2010 at 9:00 A.M. (Signed by Judge Loretta A. Preska on 7/1/2010) (jfe) (Entered: 07/02/2010)
07/01/2010		Set/Reset Hearings: Evidentiary Hearing set for 8/19/2010 at 10:00 AM in Courtroom 12A, 500 Pearl Street, New York, NY 10007 before Judge Loretta A.

		Preska. Final Pretrial Conference set for 8/3/2010 at 09:00 AM before Judge Loretta A. Preska. (jfe) (Entered: 07/02/2010)
07/30/2010	<u>340</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 7/29/10 re: counsel requests that the time to submit the pretrial order be adjourned to a date to be determined at the August 3 conference. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 7/29/10) (djc) Modified on 8/3/2010 (djc). (Entered: 07/30/2010)
08/04/2010	<u>341</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Elizabeth A. Edmondson dated 8/4/10 re: parties conferred and, based on the court's guidance, have agreed to the following deadlines in connection with the upcoming evidentiary hearing: August 19: Jenner & Block conducts depositions of Elizabeth Sunita and Shawna Healy; September 1: Parties submit deposition designations and trial exhibit lists to opposing counsel; September 7: Parties submit motions in limine to opposing counsel; September 8: Parties submit deposition designations (with objections), trial exhibits (with objections) to the Court; September 13: Parties submit oppositions to motions in limine to opposing counsel; September 15: Parties submit joint pretrial order, pretrial memoranda, and fully briefed motions in limine to the Court; September 22, 9:00 a.m. (and if necessary, September 23): Court conducts evidentiary hearing; September 30: Parties submit post-trial memoranda to the Court. ENDORSEMENT: SO ORDERED. (Pretrial Order due by 9/15/2010, Evidentiary Hearing set for 9/22/2010 at 09:00 AM before Judge Loretta A. Preska and if necessary 9/23/2010 at 09:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 8/4/10) (djc) (Entered: 08/05/2010)
08/31/2010	<u>342</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starner dated 8/26/10 re: We further request that Mr. West be permitted to bring to MDC his copy of the Koran and his cassette player, which he refers to as his "cassette player for the blind and physically handicapped. " Thank you for consideration of this matter. ENDORSEMENT: Arrangements have been made for Mr. West's Koran and cassette player. Counsel shall submit their pre-hearing papers (including courtesy copies) no later than 4:00 pm on September 3. (Signed by Judge Loretta A. Preska on 8/31/10) (pl) Copies faxed by chambers. Modified on 8/31/2010 (pl). Modified on 9/3/2010 (rw). (Entered: 08/31/2010)
09/08/2010	<u>343</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starner dated 9/7/2010 re: Pro Bono Counsel for the Plaintiff James West requests that the Court briefly adjourn the upcoming damages hearing so that we may address the conditions of Mr. West's detention at MDC and properly prepare Mr. West for the hearing. ENDORSEMENT: The hearing is adjourned to 9/27/2010 at 9:00 a.m. (Status Conference set for 9/27/2010 at 09:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 9/8/2010) "Copies Faxed By Chambers"(ae) Modified on 9/16/2010 (ae). (Entered: 09/08/2010)
09/16/2010	344	DEFENDANTS' PRE-TRIAL MEMORANDUM OF LAW. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. (mro) (Entered: 09/16/2010)
10/04/2010	<u>345</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 9/30/2010 re: Requesting a one day extension until October 1, 2010 to file the Proposed Findings of Fact and Conclusions of Law. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 10/1/2010) Copies Faxed By Chambers. (jpo) (Entered: 10/04/2010)
10/05/2010	346	DEFENDANTS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris.(mro) (Entered: 10/05/2010)
10/15/2010	<u>347</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW: Counsel shall confer and inform the Court by letter no later than October 22, 2010 how they propose to proceed. So Ordered (Signed by Judge Loretta A. Preska on 10/15/2010) Copies Mailed By Chambers. (js) (Entered: 10/18/2010)
10/15/2010		Set Deadlines/Hearings: Status Report due by 10/22/2010. (js) (Entered: 10/18/2010)

10/21/2010	<u>348</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 10/20/10 re: The Clerk scheduled a pre-hearing conference with the Court for December 16, 2010 at 2:00 p.m. In the event that the parties reach a resolution of the matter prior to that time, they will immediately inform the Court. ENDORSEMENT: So ordered. (Conference set for 12/16/2010 at 02:00 PM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 10/20/10). Copies Faxed by Chambers. (rjm) Modified on 10/21/2010 (rjm). (Entered: 10/21/2010)
10/26/2010	349	TRANSCRIPT of proceedings held on 09/22/2010 at 10:15 a.m. before Judge Loretta A. Preska. (Inl) (Entered: 10/26/2010)
10/26/2010	<u>350</u>	STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL: 1. The Contempt Litigation is dismissed and discontinued with prejudice; 2. Defendants shall pay to Plaintiff the sum of NINE THOUSAND, FOUR HUNDRED DOLLARS (\$9,400), in full satisfaction of any and all claims for damages and attorney's fees, costs and disbursements in this Contempt Litigation. A check in that amount shall be made payable to JAMES WEST a/k/a JAMES WESS and mailed directly to Plaintiff to be deposited in his facility/interdepartmental inmate account at the correctional facility where he is currently housed. All other details are as further set forth in said Order. (Signed by Judge Loretta A. Preska on 10/25/10) Copies Faxed By Chambers. (db) (Entered: 10/26/2010)
12/01/2010	<u>351</u>	ORDER TO RECONSIDER: On November 12, 2010, Defendants sent a letter to the Court seeking clarification of the Court's October 15, 2010, Findings of Fact and Conclusions of Law. In essence, this is a motion for reconsideration, and the Court so construes it. Defendants' motion is GRANTED. Upon reconsideration, the Court accepts one of Defendants' contentions. Paragraph 49 of the Court's Findings of Fact and Conclusions Law [dkt. no. 347] is altered to read as set forth within this Order. (Signed by Judge Loretta A. Preska on 12/1/2010) Copies Faxed By Chambers. (jfe) (Entered: 12/01/2010)
12/02/2010	352	NOTICE OF APPEARANCE by Dori A. Lewis on behalf of Louis Milburn. (mbe) (Entered: 12/03/2010)
12/02/2010	353	NOTICE OF APPEARANCE by David Scott Hoffner on behalf of Louis Milburn. (mbe) (Entered: 12/03/2010)
12/02/2010	354	AFFIDAVIT OF SERVICE of Notice of Appearance served on Attorney for defendants on 12/2/2010. Service was made by United States first class mail. Document filed by Louis Milburn. (mbe) (Entered: 12/03/2010)
12/20/2010	<u>355</u>	NOTICE OF DESIGNATION TO A MAGISTRATE JUDGE. The above entitled action has been designated to Magistrate Judge Gabriel W. Gorenstein. Please note that this is an assignment of the designation only. (sjo) (Entered: 12/20/2010)
12/21/2010	<u>356</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo, Elizabeth A. Edmondson and Susan Kohlman dated 12/17/10 re: Request for the following schedule: The parties will exchange document requests, if any, by January 5, 2011; The parties will produce responsive documents by February 3, 2011. The parties will identify any experts and exchange opening reports by March 3, 2011; and any physical examination of Mr. Vera will occur by that date; The parties will exchange expert rebuttal reports by March 17, 2011; The parties will conduct depositions of experts by the week of April 18, 2011; The case shall be ready for trial by the week of May 23, 2011, with the date of trial and the date for pretrial submissions to be set by the Court. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 12/20/10) (db) Copies Faxed to Counsel by Chambers. (Entered: 12/21/2010)
01/11/2011		Received returned mail Mail was addressed to Louis Milburn (#71-A-0356) at Green Haven Correctional Facility, Drawer B. Stormville, NY 12582 and was returned for the following reason(s): Refused. (eef) (Entered: 01/11/2011)
03/03/2011	<u>357</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 3/2/2011 re: Counsel respectfully request a 2 month extension of the 3/3 deadline as follows: The parties will identify any experts and exchange opening reports by 5/3/11; and any physical examination of Mr. Vera will occur by that date. The parties will exchange expert rebuttal reports by 5/17/11; The parties will conduct depositions of experts by the week of 6/17/11; The case shall be ready

		for trial by the week of 7/23/11, with the date of trial and the date for pretrial submissions to be set by the Court. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 3/3/2011) (jfe) (Entered: 03/03/2011)
04/27/2011	<u>363</u>	MOTION for Sanctions. filed by Maurice Bryant.(mbe) (Entered: 07/20/2011)
05/05/2011	<u>358</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from James M. West dated 4/26/11 re: Pro Se Plaintiff requests that the Court ORDER his medical records from the Lutheran Medical Center, 150 55th Street, Brooklyn, New York 11220, and request the Judge's rules for appearance before the Judge's Court and the local rules of the Court. Plaintiff also respectfully requests of the Court to grant him forty (40) days to file said motion with all attachments. ENDORSEMENT: The Courts Individual Practices will be sent to Mr. West. Because Mr. West has not stated any reason why his medical records should be ordered to be produced or why he requires an additional forty days to made a motion, those requests are denied. (Signed by Judge Loretta A. Preska on 5/4/11) Copies Mailed By Chambers. (pl) (Entered: 05/05/2011)
05/10/2011	<u>359</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 5/2/2011 re: Counsel respectfully request a further adjustment in the discovery schedule concerning the disclosure of experts and exchange of expert reports: The parties will identify any experts and exchange opening reports by June 3, 2011; and any physical examination of Mr. Vera will occur by that date. The parties will exchange expert rebuttal reports by July 1, 2011 (note: this date is more than one month after the Court's prior June 17, 2011 deadline due to counsels' scheduling conflicts). The parties will conduct depositions of experts by the week of July 18, 2011. The case shall be ready for trial by the week of August 29, 2011, with the date of trial and the date for pretrial submissions to be set by the Court. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 5/10/2011) Copies Faxed By Chambers. (jfe) (Entered: 05/10/2011)
06/13/2011	<u>360</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Susan H. Odessky dated 6/2/2011 re: Defendants propose that the remaining dates in the 6/3/2011 schedule be modified as follows: The parties will identify any experts and exchange opening reports by June 28, 2011; and any physical examination of plaintiff will occur by that date. The parties will exchange expert rebuttal reports by July 28, 2011. The parties will conduct depositions of experts by the week of August 18, 2011. The case shall be ready for trial by the week of September 26, 2011, with the date of trial and the date for pretrial submissions to be set by the Court. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 6/12/2011) (jar) (Entered: 06/13/2011)
07/01/2011	<u>361</u>	ENDORSED LETTER: addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 6/28/2011 re: Accordingly, and with the condition noted above, the parties have agreed to the following schedule for the remainder of the case: The parties will identify any experts and exchange opening reports by July 12, 2011; and any physical examination of plaintiff will occur by that date; The parties will exchange expert rebuttal reports by August 11, 2011; The parties will conduct depositions of experts by the week of September 1, 2011; The case shall be ready for trial by the week of October 17, 2011, with the date of trial and the date for pretrial submissions to be set by the Court. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 7/1/2011) (js) (Entered: 07/01/2011)
07/12/2011	<u>362</u>	ENDORSED LETTER addressed to Chief Judge Loretta A. Preska from Susan H. Odessday dated 7/12/2011 re: Counsel for the Defendant writes to request that the Court modify the 7/12/2011 schedule so that the parties will identify any experts and exchange opening reports by July 26, 2011; and any physical examination of plaintiff will occur by that date. The parties will exchange expert rebuttal reports by August 26, 2011. The parties will conduct depositions of experts by the week of September 16, 2011. The case shall be ready for trial on October 31, 2011, with the date for pretrial submissions to be set by the Court. ENDORSEMENT: With great reluctance, the Court approved the dates set out above as the FINAL extensions to be granted to defendants. (Discovery due by 9/16/2011. Ready for Trial by 10/31/2011.) (Signed by Judge Loretta A. Preska on 7/12/2011) (ab) (Entered: 07/12/2011)

07/25/2011		Minute Entry for proceedings held before Judge Loretta A. Preska: Telephone Conference held on 7/25/2011. (ft) (Entered: 08/15/2011)
07/25/2011		Minute Entry for proceedings held before Judge Loretta A. Preska: Telephone Conference held on 7/25/2011. (mro) (Entered: 08/15/2011)
07/27/2011	<u>366</u>	ORDER: Counsel for Defendants shall respond to Petitioner Maurice Bryant's Motion for Sanctions for Contempt of Court filed April 27, 2011 [dkt. no. 363] by August 15, 2011. (Signed by Judge Loretta A. Preska on 7/26/2011) (jfe) (Entered: 07/27/2011)
08/02/2011	<u>367</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Danielle F. Tarantolo dated 8/1/2011 re: We write on behalf of plaintiff John Vera Moreno to propose a schedule for the remainder of the damages phase of this action. The parties will identify any experts and exchange opening reports by 8/9/2011; the parties will exchange expert rebuttal reports by 8/29/2011; the parties will conduct depositions of experts by the week of 9/1/2011; the case shall be ready for trial on 10/17/2011, with the date for pretrial submissions to be set by the Court. Defendants shall not request any further adjournments of the date to exchange opening expert reports. Defendants shall inform the Court and counsel of the identity of lead counsel for defendants no later than 8/5. (Deposition of experts due by 9/1/2011., Ready for Trial by 10/17/2011.) (Signed by Judge Loretta A. Preska on 8/2/2011) Copies Faxed By Chambers. (mbe) (Entered: 08/03/2011)
08/16/2011	368	MEMORANDUM OF LAW in Opposition to Plaintiff's Motion for Contempt. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. (mro) (Entered: 08/17/2011)
08/17/2011	<u>369</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Richard W. Brewster dated 8/16/11 re: Counsel requests that the Court's prior scheduling order be modified as follows: Identification of Experts: no later than September 19, 2011; Physical Examination of Plaintiff: no later than September 23, 2011; Exchange of Expert Opening Reports: no later than September 30, 2011; Rebuttal Expert Reports: no later than October 14,2011; Expert Depositions –no later than the week of October 17–21, 2011; Trial Ready Date: October 31, 2011 with pre–trial submission dates to be set by the court. ENDORSEMENT: Having considered counsel's correspondence (attached), including Plaintiff's letter of August 17, the dates set out above are approved. Trial shall be on October 31 and November 1. So ordered. (Deposition due by 10/21/2011., Ready for Trial by 10/31/2011.) (Signed by Judge Loretta A. Preska on 8/17/2011) (mro) (Entered: 08/18/2011)
08/22/2011	370	NOTICE OF APPEARANCE by Julinda A. Dawkins on behalf of Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris (mro) (Entered: 08/24/2011)
08/26/2011	<u>371</u>	ORDER: The Clerk of Court is directed to docket the supplement to petitioner's complaint [dkt no. 365] and docket petitioner's July 3, 2011, letter [dkt. no. 364] as a motion for contempt. Counsel for defendants shall respond to petitioner Edward Koehl's Motion for Contempt of the Milburn Consent Decree filed July 7, 2011 by August 31, 2011. (Signed by Judge Loretta A. Preska on 7/29/2011) Copies Mailed/Faxed By Chambers. (mro) Modified on 8/29/2011 (mro). (Entered: 08/26/2011)
08/26/2011	<u>372</u>	PETITIONER'S SUPPLEMENTAL COMPLAINT against Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris.Document filed by Edward Koehl. ***Docketed as a supplemental complaint pursuant to Order filed 8/26/2011 [Docket No. 371.(mro) (Entered: 08/26/2011)
08/26/2011	<u>373</u>	MOTION for Contempt of the Milburn Consent Decree. Document filed by Edward Koehl. ***Docketed as a motion pursuant to Order filed 8/26/2011 [Docket No. 371].(mro) (Entered: 08/26/2011)
08/26/2011		Set/Reset Deadlines as to <u>373</u> MOTION for Contempt of the Milburn Consent Decree. Responses due by 8/31/2011 (mro) (Entered: 08/26/2011)
08/31/2011	374	MEMORANDUM OF LAW in Opposition re: <u>373</u> MOTION for Contempt of the Milburn Consent Decree. Document filed by Thomas A. Coughlin, III, Henry S.

		Dogin, David R Harris, Patricia Harris. (mro) (Entered: 09/01/2011)
08/31/2011	375	AFFIDAVIT of Captain Burnett. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. (mro) (Entered: 09/01/2011)
09/09/2011	376	DECLARATION of William Dawson in Opposition to Plaintiff's Motion for contempt of the Consent Decree. (Re-submitted Declaration with original signature) Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. [Accepted for filing by the Chambers of the Honorable Loretta A. Preska on 8/22/2011, on the condition that a signature page with an original signature is substituted promptly.] (tro) (Entered: 09/09/2011)
09/14/2011	<u>377</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Edward Koehl dated 9/2/2011 re: Today, I received defendants' Opposition to my motion for contempt. Because it takes time to get to the Law Library which is essential in order for me to respond, I request until 9.19.11, to respond. ENDORSEMENT: So ordered. (Signed by Judge Loretta A. Preska on 9/12/2011) Copies Mailed By Chambers. (lmb) Modified on 9/14/2011 (lmb). Modified on 9/22/2011 (lmb). (Entered: 09/14/2011)
09/14/2011		Set/Reset Deadlines: Response due by 9/19/2011. (lmb) (Entered: 09/14/2011)
10/19/2011		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein: Settlement Conference held on 10/19/2011. (mro) (Entered: 10/19/2011)
10/19/2011	<u>380</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge P. Kevin Castel on 10/19/2011) (ft) (Entered: 10/19/2011)
10/31/2011	<u>382</u>	MOTION pursuant to rule 60 for relief from judgment.Document filed by James West.(mro) (Entered: 11/01/2011)
11/03/2011	<u>383</u>	REPLY of Edward Koehl with exhibits in Opposition re: 375 Affidavit. (jfe) (Entered: 11/03/2011)
11/16/2011	<u>384</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Gregory M. Starnar dated 11/14/11 re: Counsel writes in connection with the motion filed by James West for relief from judgment. Counsel denies any suggestion that it failed to adequately represent Mr. West or neglected its obligations to him or this Court. ENDORSEMENT: The Clerk of the Court shall docket this letter. So ordered. (Signed by Judge Loretta A. Preska on 11/16/2011) (mro) (Entered: 11/16/2011)
11/18/2011	<u>385</u>	STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL (In re Application of John Vera Moreno): This Proceeding is dismissed and discontinued with prejudice. Defendants shall pay to plaintiff the sum of \$199,500, in full satisfaction of any and all claims, and as further set forth in this document. (Signed by Judge Loretta A. Preska on 11/7/2011) (cd) (Entered: 11/18/2011)
01/12/2012	<u>386</u>	MEMORANDUM AND ORDER: For the foregoing reasons, Petitioner's Motion for Contempt [dkt. no. 363] is denied with prejudice. So Ordered. (Signed by Judge Loretta A. Preska on 1/9/2012) (js) (Entered: 01/12/2012)
01/12/2012		***DELETED DOCUMENT. Deleted document number 387 MEMORANDUM AND ORDER. The document was incorrectly filed in this case. (jar) (Entered: 01/20/2012)
01/18/2012	<u>388</u>	MEMORANDUM & ORDER denying <u>373</u> Motion for Contempt of the Milburn Consent Decree. For the foregoing reasons, Petitioner' s Motion for Contempt [dkt. nos. 364, 365, 373] is denied without prejudice. (Signed by Judge Loretta A. Preska on 1/17/2012) Copies Mailed By Chambers. (mro) (Entered: 01/18/2012)
03/05/2012	<u>391</u>	MOTION for a contempt hearing. Document filed by Louis Milburn.(js) (Entered: 04/04/2012)
04/10/2012	<u>392</u>	ENDORSED LETTER addressed to Judge Loretta A Preska from Julinda Dawkins dated 4/9/2012 re: Request to extend time to respond to plaintiff's motion for contempt, nunc pro tunc to 5/7/2012. ENDORSEMENT: So Ordered. Set Deadlines/Hearing as to <u>391</u> MOTION for a contempt hearing. Response due by

		5/7/2012) (Signed by Judge Loretta A. Preska on 4/10/2012) (cd) (Entered: 04/10/2012)
05/07/2012	<u>394</u>	ORDER: Counsel for the New York Office of the Attorney General, Legal Aid Society, and Dechert LLP (in its capacity as pro bono counsel) shall appear for a conference on Monday, May 14, 2012 at 11:00 a.m. Counsel should be prepared to discuss the procedural issues raised in their letters to the Court, the need for systemic relief, as well as the status of Mr. Koehl's underlying complaint. Counsel shall further address the status of the Rule 60 motion filed by James West on October 31, 2011 [see dkt. no. 382]. (Status Conference set for 5/14/2012 at 11:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 5/7/2012) (jfe) (Entered: 05/07/2012)
05/08/2012	<u>395</u>	NOTICE OF APPEARANCE by Yelena Shreyberg on behalf of Louis Milburn (Shreyberg, Yelena) (Entered: 05/08/2012)
05/10/2012	396	MEMORANDUM OF LAW in Opposition re: <u>391</u> MOTION for a contempt hearing. Document filed by Thomas A. Coughlin, III. (cd) (Entered: 05/14/2012)
05/10/2012	400	DECLARATION of Frederick Bernstein, M.D. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. (mro) (Entered: 05/16/2012)
05/10/2012	401	DECLARATION of Albert Acrish, N.P. Document filed by Thomas A. Coughlin, III, Henry S. Dogin, David R Harris, Patricia Harris. (mro) (Entered: 05/16/2012)
05/14/2012		Minute Entry for proceedings held before Judge Loretta A. Preska: Status Conference held on 5/14/2012. (jfe) (Entered: 05/22/2012)
05/15/2012	<u>397</u>	ORDER: After consultation with class counsel for plaintiffs, counsel for defendants and the Court, by agreement, it is hereby determined that, in an exercise of caution, the medical records of Peter Anekwe, 99-A-2717, attached as Exhibit "A" to the Declaration of Albert Acrish, N.P., in support of Defendants' Opposition to Plaintiffs Motion for Contempt in regard to the Milburn Decree, shall hereby be filed under seal. (Signed by Judge Loretta A. Preska on 5/14/2012) (jfe) (Entered: 05/15/2012)
05/15/2012		Transmission to Sealed Records Clerk. Transmitted re: <u>397</u> Order to the Sealed Records Clerk for the sealing or unsealing of document or case. (jfe) (Entered: 05/15/2012)
05/16/2012	398	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/16/2012)
05/24/2012	<u>402</u>	REPLY to defendants opposition re: <u>391</u> MOTION for a contempt hearing.. Document filed by Peter Awekwe. (js) (Entered: 05/30/2012)
07/24/2012	<u>405</u>	MEMORANDUM & ORDER denying <u>382</u> MOTION pursuant to rule 60 for relief from judgment. For the foregoing reasons, West's Rule 60(b) motion [dkt. no. 382] is denied with prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). (Signed by Judge Loretta A. Preska on 7/23/2012) (mro) Modified on 7/26/2012 (mro). (Entered: 07/24/2012)
08/21/2012	<u>406</u>	NOTICE OF MOTION for an Order holding the Class Defendants in Contempt of the Milburn Consent Decree and Awarding Plaintiff the amount requested in his moving papers. Document filed by Kenneth Meyers.(tro) (Entered: 08/24/2012)
08/21/2012	<u>408</u>	APPLICATION for the Court to Request Counsel. Document filed by Kenneth Meyers.(lmb) (lmb). (Entered: 09/07/2012)
08/21/2012	<u>409</u>	NOTICE OF APPEAL from <u>405</u> Order on Motion for Miscellaneous Relief. Document filed by James M. West. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 09/11/2012)
08/21/2012		Appeal Remark as to <u>409</u> Notice of Appeal filed by James M. West. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/23/2012. (tp) Modified on 9/11/2012 (tp). (Entered: 09/11/2012)

08/29/2012	<u>407</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Julinda A. Dawkins dated 8/24/2012 re: Counsel for Defendants respectfully request extension of time until October 31, 2012 to respond to Mr. Myers' motion for contempt. ENDORSEMENT: So Ordered. (Signed by Judge Loretta A. Preska on 8/28/2012) (pl) (Entered: 08/29/2012)
08/29/2012		Set/Reset Deadlines: Responses due by 10/31/2012 (pl) (Entered: 08/29/2012)
09/11/2012		Pro Se Acknowledgment Letter Mailed: Pro Se acknowledgment letter for Notice of appeal mailed to the plaintiff via USPS to the address noted on the notice of appeal on 9/10/2012. (nd) (Entered: 09/11/2012)
09/11/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>409</u> Notice of Appeal. (tp) (Entered: 09/11/2012)
09/11/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>391</u> MOTION for a contempt hearing filed by Louis Milburn, 390 FRCP Rule 5d Memo – Received from Chambers, <u>397</u> Order, <u>395</u> Notice of Appearance filed by Louis Milburn, <u>402</u> Reply to Response to Motion filed by Peter Awekwe, <u>384</u> Endorsed Letter, <u>409</u> Notice of Appeal filed by James M. West, <u>405</u> Order on Motion for Miscellaneous Relief, <u>392</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings, 404 Letter filed by Lawrence Gordon, <u>407</u> Endorsed Letter, <u>406</u> MOTION filed by Kenneth Meyers, 403 Letter, 393 Letter, <u>383</u> Reply Affidavit in Opposition, <u>386</u> Order on Motion for Sanctions, <u>382</u> MOTION pursuant to rule 60 for relief from judgment, 399 Letter, filed by Peter Awekwe, 389 FRCP Rule 5d Memo – Sent to Chambers, <u>388</u> Order on Motion for Miscellaneous Relief, <u>385</u> Stipulation and Order of Dismissal, <u>394</u> Order, Set Hearings, were transmitted to the U.S. Court of Appeals. (tp) (Entered: 09/11/2012)
10/19/2012	<u>410</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Julinda Dawkins dated 10/18/2012 re: Defendants request an extension of time until November 30, 2012 to respond to Mr. Myers' motion for contempt. ENDORSEMENT: So ordered., (Responses due by 11/30/2012.) (Signed by Judge Loretta A. Preska on 10/19/2012) (lmb) (Entered: 10/19/2012)
11/21/2012	<u>411</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Kenneth Myers dated 10/25/2012 re: I do not oppose the brief extension requested by the Attorney General. ENDORSEMENT: Ms. Dawkins shall inform the Court by letter when the records relating to Mr. Myers requested above will be sent to him. (Signed by Judge Loretta A. Preska on 11/21/2012) (cd) (Entered: 11/21/2012)
12/04/2012	<u>412</u>	MEMORANDUM OF LAW in Opposition re: <u>406</u> MOTION.. Document filed by Thomas A. Coughlin, III, David R Harris. (Dawkins, Julinda) (Entered: 12/04/2012)
12/04/2012	<u>413</u>	DECLARATION of Julinda Dawkins in Opposition re: <u>406</u> MOTION.. Document filed by Thomas A. Coughlin, III, David R Harris. (Attachments: # <u>1</u> Exhibit A– Declaration of Nurse Practitioner Albert Acrish, # <u>2</u> Exhibit B– Declaration of Dr. Frederick Bernstein, # <u>3</u> Exhibit C– Declaration of DSS Burnett, # <u>4</u> Exhibit DSS Burnett Declaration – A, # <u>5</u> Exhibit DSS Burnett Declaration – B, # <u>6</u> Exhibit D– Declaration of Dr. Robert Bentivegna)(Dawkins, Julinda) (Entered: 12/04/2012)
12/04/2012	<u>414</u>	CERTIFICATE OF SERVICE of Memorandum of Law in Opposition, Declaration of Julinda Dawkins and corrected copy of Memorandum of Law in Opposition served on Kenneth Myers on November 30, 2012 and December 3, 2012. Service was made by Mail. Document filed by Thomas A. Coughlin, III, David R Harris. (Dawkins, Julinda) (Entered: 12/04/2012)
01/11/2013	<u>416</u>	ENDORSED LETTER addressed to Judge Loretta A. Preska from Kenneth Myers dated 1/2/2013 re: Kenneth Myers writes to request an extension of 15 days to finish up to his "Reply Affidavit to defendant's Opposition." ENDORSEMENT: Granted. (Signed by Judge Loretta A. Preska on 1/10/2013) (mro) (Entered: 01/11/2013)
02/27/2013	<u>417</u>	MANDATE of USCA (Certified Copy) as to <u>409</u> Notice of Appeal filed by James M. West USCA Case Number 12–3674. Appellant, pro se, moves for leave to proceed <i>in forma pauperis</i> and for "Rule 60(b)(3)." Upon due consideration, it is

		hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 02/27/2013. (nd) (Entered: 02/27/2013)
03/28/2013	<u>418</u>	MEMORANDUM & ORDER: denying <u>391</u> Motion for Contempt Hearing. For the foregoing reasons, Petitioner's Motion for Contempt [dkt. no. 391] is denied with prejudice. (Signed by Judge Loretta A. Preska on 3/28/2013) Copies Mailed By Chambers to Litigant (djc) Modified on 3/28/2013 (djc). (Entered: 03/28/2013)
03/29/2013	<u>419</u>	MEMORANDUM & ORDER: denying <u>406</u> Motion re: <u>406</u> MOTION; <u>408</u> APPLICATION for the Court to Request Counsel; denying <u>408</u> Application for the Court to Request Counsel. For the foregoing reasons Petitioner's Application for the Court to Request Counsel [dkt. no. 408] is DENIED. Additionally, Petitioner's Motion for Contempt [dkt. no. 406] is denied, with prejudice. For the foregoing reasons Petitioner's Application for the Court to Request Counsel [dkt. no. 408] is DENIED. Additionally, Petitioner's Motion for Contempt [dkt. no. 406] is denied, with prejudice. (Signed by Judge Loretta A. Preska on 3/29/2013) Copies Mailed By Chambers to Litigant (djc) (Entered: 03/29/2013)
07/31/2013	<u>420</u>	LETTER from Samuel J. Smollen, Jr. dated 7/20/13 re: Non-party Samuel J. Smollen, Jr. submits this letter to the Court with his attached letters to Dr. Robert L. Cohen, M.D. which had requested him to monitor the medical care given at Green Haven Correctional Facility to which he received no reply. Plaintiff requests that the Court submit this letter and the two attached letters(to Dr. Cohen) for investigation and review etc. (sc) (Entered: 08/01/2013)
08/15/2013	<u>421</u>	NOTICE OF CHANGE OF ADDRESS by David Scott Hoffner on behalf of Louis Milburn. New Address: Hoffner PLLC, 800 Third Avenue, 13th Floor, New York, NEW YORK, United States 10022, 212-471-6203. (Hoffner, David) (Entered: 08/15/2013)
08/20/2013	<u>422</u>	NOTICE OF APPEARANCE by Yelena Shreyberg on behalf of Louis Milburn. (Shreyberg, Yelena) (Entered: 08/20/2013)
01/22/2014	<u>424</u>	LETTER addressed to Judge Loretta A. Preska from Samuel J. Smolen, Jr. dated 12/22/13 re: (Samuel J. Smolen Jr. v. New York State Department of Corrections & Community Supervision et al.) Non-party Samuel J. Smolen Jr. submits this letter in response to the 12/17/13 letter which was sent to the Court by Assistant Attorney General Julinda Dawkins. (sc) (Entered: 01/23/2014)
07/15/2014	<u>425</u>	MOTION for Conference <i>Letter requesting for a Pre-Motion Conference re Defendants' Intention to File a Motion to Terminate, under PLRA, the 09/27/1991 Modified Final Judgment by Consent.</i> Document filed by Thomas A. Coughlin, III, David R Harris.(Dawkins, Julinda) (Entered: 07/15/2014)
07/21/2014	<u>426</u>	LETTER RESPONSE to Motion addressed to Judge Loretta A. Preska from Yelena Shreyberg dated July 21, 2014 re: <u>425</u> MOTION for Conference <i>Letter requesting for a Pre-Motion Conference re Defendants' Intention to File a Motion to Terminate, under PLRA, the 09/27/1991 Modified Final Judgment by Consent.</i> . Document filed by Louis Milburn. (Attachments: # 1 Exhibit A)(Shreyberg, Yelena) (Entered: 07/21/2014)
07/21/2014		***STRICKEN DOCUMENT. Deleted document number [426 - Attachment 1] from the case record. The document was stricken from this case pursuant to 435 Order Striking Document from Record. (ajs) Modified on 8/13/2014 (ajs). (Entered: 08/11/2014)
07/22/2014	<u>427</u>	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from Julinda Dawkins and Barbara Demchuk-Maddox dated July 22, 2014 re: <u>425</u> MOTION for Conference <i>Letter requesting for a Pre-Motion Conference re Defendants' Intention to File a Motion to Terminate, under PLRA, the 09/27/1991 Modified Final Judgment by Consent.</i> . Document filed by Thomas A. Coughlin, III, David R Harris. (Dawkins, Julinda) (Entered: 07/22/2014)
07/23/2014	<u>428</u>	ORDER OF CONFERENCE granting <u>425</u> Letter Motion for Conference. It is hereby ORDERED that counsel are directed to appear in courtroom 12A, or such

		other courtroom as may be designated, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 on July 30, 2014 at 11:00 a.m. for a pre-motion conference in the above action. (Signed by Judge Loretta A. Preska on 7/23/2014) (ajs) Modified on 7/23/2014 (ajs). (Entered: 07/23/2014)
07/29/2014	<u>429</u>	NOTICE OF APPEARANCE by Caroline Sandra Hsu on behalf of Louis Milburn. (Hsu, Caroline) (Entered: 07/29/2014)
07/30/2014	<u>430</u>	ORDER: Defendants shall file their motion to terminate the consent judgment on July 31, 2014. Plaintiffs shall file their opposition and cross-move to modify the consent judgment no later than September 15, 2014. Defendants shall reply no later than October 15, 2014. (Cross Motion due by 9/15/2014. Motion due by 7/31/2014. Responses due by 9/15/2014. Replies due by 10/15/2014.) (Signed by Judge Loretta A. Preska on 7/30/2014) (cd) (Entered: 07/31/2014)
07/30/2014		Minute Entry for proceedings held before Judge Loretta A. Preska: Pre-Motion Conference held on 7/30/2014. (mph) (Entered: 08/06/2014)
07/31/2014	<u>431</u>	MOTION Termination of the September 27, 1991 Modified Final Judgment under the PLRA. re: 251 Judgment . Document filed by Thomas A. Coughlin, III, David R Harris.(Dawkins, Julinda) Modified on 9/15/2014 (kgo). (Entered: 07/31/2014)
07/31/2014	<u>432</u>	MEMORANDUM OF LAW in Support re: <u>431</u> MOTION Termination of the September 27, 1991 Modified Final Judgment under the PLRA. re: 251 Judgment . . Document filed by Thomas A. Coughlin, III, David R Harris. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B-1, # <u>3</u> Exhibit B-2A, # <u>4</u> Exhibit B-2B, # <u>5</u> Exhibit B-3, # <u>6</u> Exhibit C)(Dawkins, Julinda) (Entered: 07/31/2014)
08/01/2014	<u>433</u>	LETTER addressed to Judge Loretta A. Preska from Julinda Dawkins and Barbara Demchuk-Maddox dated August 1, 2014 re: Supplemental letter regarding removal of exhibit attached to Plaintiffs' Letter Response.. Document filed by Thomas A. Coughlin, III, David R Harris.(Dawkins, Julinda) (Entered: 08/01/2014)
08/05/2014	<u>434</u>	LETTER addressed to Judge Loretta A. Preska from Dori A. Lewis dated August 5, 2014 re: Public Filing of Auditor's Report. Document filed by Louis Milburn.(Lewis, Dori) (Entered: 08/05/2014)
08/11/2014	<u>435</u>	ORDER: Accordingly, for the reasons stated within, the Clerk of the Court is directed to remove from ECF "the 15th Report of the Medical Auditor" [dkt. no. 426 Ex. A.]. SO ORDERED. (Signed by Judge Loretta A. Preska on 8/10/2014) (ajs) (Entered: 08/11/2014)
08/21/2014	<u>436</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated August 21, 2014 re: Court's Order entered August 11, 2014. Document filed by Louis Milburn. (Attachments: # <u>1</u> Exhibit 1)(Shreyberg, Yelena) (Entered: 08/21/2014)
08/22/2014	<u>437</u>	LETTER addressed to Judge Loretta A. Preska from Julinda Dawkins and Barbara D. Maddox dated 08/22/2014 re: Plaintiffs' August 21, 2014 Letter to C.J. Loretta A. Preska. Document filed by Thomas A. Coughlin, III, David R Harris.(Dawkins, Julinda) (Entered: 08/22/2014)
08/25/2014	<u>438</u>	MEMO ENDORSEMENT on re: <u>437</u> Letter, filed by Thomas A. Coughlin, III, David R Harris. ENDORSEMENT: SO ORDERED. (Responses due by 8/29/2014) (Signed by Judge Loretta A. Preska on 8/25/2014) (ajs) (Entered: 08/25/2014)
08/29/2014	<u>439</u>	NOTICE OF APPEARANCE by Daniel A. Schulze on behalf of Thomas A. Coughlin, III, David R Harris. (Schulze, Daniel) (Entered: 08/29/2014)
08/29/2014	<u>440</u>	LETTER addressed to Judge Loretta A. Preska from Daniel Schulze dated August 29, 2014 re: Opposition to Plaintiffs' August 21, 2014 Letter Motion for Reconsideration. Document filed by Thomas A. Coughlin, III, David R Harris.(Schulze, Daniel) (Entered: 08/29/2014)
09/09/2014	<u>441</u>	ORDER. For the reasons stated in this order, the Court DENIES Plaintiffs' request [dkt. no. 436] to reconsider the August 11 Order. (Signed by Judge Loretta A. Preska on 9/8/2014) (rjm) (Entered: 09/09/2014)

09/12/2014		***DELETED DOCUMENT. Deleted document number 442 ORDER. The document was incorrectly filed in this case. (kgo) (Entered: 09/15/2014)
09/12/2014	<u>442</u>	ORDER: Having reviewed the parties' letters regarding plaintiffs' request for leave to submit the Fifteenth Report of the Medical Auditor (the "Auditor's Report") in connection with the pending motion to terminate the Consent Decree and to file under seal all of their papers in opposition to defendants' motion to terminate the Consent Decree, the Court is unable to decide the current request without additional information, and thus the motion is denied. Plaintiffs have not explained why the Auditor's Report, a draft relating to past conditions, is relevant to the current conditions which are the subject of the pending motion and have not explained why opposition papers should be filed under seal. This denial is without prejudice to the plaintiffs' submitting additional authority demonstrating why the Auditor's Report is relevant and additional argument about their papers. (Signed by Judge Loretta A. Preska on 9/12/2014) (kgo) (Entered: 09/15/2014)
09/15/2014	<u>443</u>	MOTION TO MODIFY THE SEPTEMBER 27, 1991 MODIFIED FINAL JUDGMENT PURSUANT TO FED R. CIV. P. 60(b)(5). . Document filed by Louis Milburn.(Shreyberg, Yelena) (Entered: 09/15/2014)
09/15/2014	<u>444</u>	CROSS MOTION TO MODIFY THE SEPTEMBER 27, 1991 MODIFIED FINAL JUDGMENT PURSUANT TO FED R. CIV. P. 60(b)(5). . Document filed by Louis Milburn.(Shreyberg, Yelena) (Entered: 09/15/2014)
09/15/2014	<u>445</u>	MEMORANDUM OF LAW in Support re: <u>444</u> CROSS MOTION TO MODIFY THE SEPTEMBER 27, 1991 MODIFIED FINAL JUDGMENT PURSUANT TO FED R. CIV. P. 60(b)(5). . <i>and in Opposition to Defendants' Motion to Terminate the September 27, 1991 Modified Final Judgment.</i> Document filed by Louis Milburn. (Shreyberg, Yelena) (Entered: 09/15/2014)
09/15/2014	<u>446</u>	DECLARATION of Yelena Shreyberg in Support re: <u>444</u> CROSS MOTION TO MODIFY THE SEPTEMBER 27, 1991 MODIFIED FINAL JUDGMENT PURSUANT TO FED R. CIV. P. 60(b)(5). . Document filed by Louis Milburn. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Shreyberg, Yelena) (Entered: 09/15/2014)
10/15/2014	<u>447</u>	REPLY MEMORANDUM OF LAW in Support re: <u>431</u> MOTION Termination of the September 27, 1991 Modified Final Judgment under the PLRA. re: 251 Judgment . <i>and in Opposition to Plaintiffs' Cross-Motion to Modify [Docket #s 443 and 444].</i> Document filed by Thomas A. Coughlin, III, David R Harris. (Dawkins, Julinda) (Entered: 10/15/2014)
10/20/2014	<u>448</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated October 20, 2014 re: Defendants' Reply Memorandum of Law (Dkt. No. 447). Document filed by Louis Milburn.(Shreyberg, Yelena) (Entered: 10/20/2014)
10/21/2014	<u>449</u>	LETTER addressed to Judge Loretta A. Preska from Daniel Schulze dated October 21, 2014 re: Opposition to Plaintiffs' Request For a Surreply. Document filed by Thomas A. Coughlin, III, David R Harris.(Schulze, Daniel) (Entered: 10/21/2014)
11/07/2014	<u>450</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated November 7, 2014 re: Release of Confidential Medical Information. Document filed by Louis Milburn. (Attachments: # <u>1</u> Text of Proposed Order)(Shreyberg, Yelena) (Entered: 11/07/2014)
11/10/2014	<u>451</u>	LETTER addressed to Judge Loretta A. Preska from Daniel Schulze dated November 10, 2014 re: Intention to Submit Response to Plaintiffs' Proposed Order by November 12, 2014. Document filed by Thomas A. Coughlin, III, David R Harris.(Schulze, Daniel) (Entered: 11/10/2014)
11/12/2014	<u>452</u>	LETTER addressed to Judge Loretta A. Preska from Daniel Schulze dated November 12, 2014 re: Defendants' Response to Plaintiffs' Letter of November 7, 2014. Document filed by Thomas A. Coughlin, III, David R Harris. (Attachments: # <u>1</u> Exhibit A)(Schulze, Daniel) (Entered: 11/12/2014)
11/17/2014	<u>453</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated November 17, 2014 re: Response to Defendants' November 12, 2014 letter. Document filed by Louis Milburn.(Shreyberg, Yelena) (Entered: 11/17/2014)

01/07/2015	<u>455</u>	ORDER: IT IS HEREBY ORDERED THAT: Notwithstanding any provision of Federal or State law or regulation concerning the confidentiality of medical records, including without limitation the Health Information Portability and Accountability Act of 1996, 110 Stat. 1936 (August 21, 1996), the New York State Public Health Law, and DOCCS' regulations concerning disclosure of inmates' medical information, DOCCS may disclose in this litigation any records, documents or information it maintains pertaining to the medical/mental health/HIV status of the current and former class members identified, by name or otherwise, in Plaintiffs' letter request of August 13, 2014 to counsel for the Plaintiffs for use in this litigation, except for the documents produced in response to request number seven (7), for "[a]ll documents reflecting any changes to policies, procedures or supervisory practices resulting from any mortality review or any other quality assurance," as set forth within. (Signed by Judge Loretta A. Preska on 1/6/2015) (ajs) (Entered: 01/07/2015)
01/21/2015	<u>456</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated January 21, 2015 re: Court Order dated January 6, 2015. Document filed by Louis Milburn. (Attachments: # <u>1</u> Attachment 1)(Shreyberg, Yelena) (Entered: 01/21/2015)
01/21/2015	<u>457</u>	LETTER addressed to Judge Loretta A. Preska from Daniel Schulze dated January 21, 2015 re: Defendants' Proposed Discovery Schedule. Document filed by Thomas A. Coughlin, III, David R Harris.(Schulze, Daniel) (Entered: 01/21/2015)
01/26/2015	<u>458</u>	MEMO ENDORSEMENT on re: <u>457</u> Letter filed by Thomas A. Coughlin, III, David R Harris. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/26/2015) (ama) (Entered: 01/26/2015)
02/05/2015	459	PLAINTIFF'S REPLY AFFIDAVIT to Defendant's Opposition Document filed by Kenneth Meyers. (ajs) (Entered: 02/05/2015)
03/02/2015	<u>460</u>	LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated March 2, 2015 re: withdrawing opposition to the Motion to Terminate and withdraw the Cross Motion. Document filed by Louis Milburn.(Shreyberg, Yelena) (Entered: 03/02/2015)
03/04/2015	<u>461</u>	MEMO ENDORSEMENT on re: <u>460</u> LETTER addressed to Judge Loretta A. Preska from Yelena Shreyberg dated March 2, 2015 re: withdrawing opposition to the Motion to Terminate and withdraw the Cross Motion. Document filed by Louis Milburn. ENDORSEMENT: Accordingly, Defendants' motion to terminate [dkt. no. 431] is granted. The Clerk of the Court shall enter judgment. So ordered. (Signed by Judge Loretta A. Preska on 3/4/2015) (rjm) (Entered: 03/04/2015)
03/04/2015		Transmission to Judgments and Orders Clerk. Transmitted re: <u>461</u> Memo Endorsement to the Judgments and Orders Clerk. (rjm) (Entered: 03/04/2015)
03/09/2015	<u>462</u>	CLERK'S JUDGMENT: That for the reasons stated in the Court's Memo Endorsed Order dated March 4, 2015, Plaintiffs' Opposition to the Motion to Terminate, as well as Plaintiffs' Cross-Motion are withdrawn; accordingly, Defendants' motion to terminate is granted. (Signed by Clerk of Court Ruby Krajick on 3/9/2015) (Attachments: # <u>1</u> Notice of Right to Appeal, # <u>2</u> Notice of Right to Appeal)(dt) (Entered: 03/10/2015)
03/10/2015		Transmission to Docket Assistant Clerk. Transmitted re: <u>462</u> Clerk's Judgment, to the Docket Assistant Clerk for case processing. (dt) (Entered: 03/10/2015)
03/10/2015		Mailed notice of Right to Appeal re: <u>462</u> Clerk's Judgment, <u>461</u> Memo Endorsement, James M. West 89-A-6906 Five Points Correctional Facility State Route 96 P.O. Box 119 Romulus, NY 14541 and Kenneth Meyers Greenhaven Correctional Facility PO Box 4000 Stormville, NY 12582. (soh) (Entered: 03/10/2015)
03/26/2015		Received returned mail re: <u>462</u> Clerk's Judgment. Mail was addressed to Kenneth Meyers Greenhaven Correctional Facility PO Box 4000 Stormville, NY 12582 and was returned for the following reason(s): Refused. (ca) (Entered: 03/26/2015)
03/26/2015		Re-Mailed notice of Right to Appeal re: <u>462</u> Clerk's Judgment, to Kenneth Meyers Din# 97A7468 Green Haven Correctional Facility 594 Rt. 216 Stormville, New

		York 12582-0010. (ca) (Entered: 03/26/2015)
--	--	---